

ZB# 96-30

Daniel Castro

32-1-10.22

#96-30-Castro, Daniel -

Area.

(32-1-10.22)

Prelim.

June 10, 1996.

No side yard

Needed - per E. Schindler

Copy of Dead Title Policy

Photo 5 Sent to

Fees: \$50.00 + \$194.00

Public Hearing:

July 14, 1997.

Area Variance

Granted

Refund: \$194.00

CO # 11 - June 18 - Unit # 49

TOWN OF NEW WINDSOR

555 Union Avenue

New Windsor, NY 12553

General Receipt

16414

June 18 1997

Received from Daniel + Maria Castro \$ 50.00

Fifty 00/100 DOLLARS

For ZBA # 96-30

DISTRIBUTION:

FUND	CODE	AMOUNT
CR # 740		50.00

By Dorothy H. Hansen

Town Clerk

TITLE

WILLIAMSON LAW BOOK CO., VICTOR, NY 14564

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Castro, Dan.

FILE # 76-30

RESIDENTIAL: \$ 50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE \$ 50.00

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE 6/10/96 - 5 pages \$ 22.50
2ND PRELIM. MEETING - PER PAGE \$ 13.50
3RD PRELIM. MEETING - PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 36.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 6/10/96 \$ 35.00
2ND PRELIM. 7/14/96 \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING \$ _____
PUBLIC HEARING \$ _____
TOTAL \$ 70.00

MISC. CHARGES:

_____. \$ _____
TOTAL \$ 106.00

LESS ESCROW DEPOSIT . . . \$ 300.00
(ADDL. CHARGES DUE) . . . \$ _____
REFUND DUE TO APPLICANT . \$ 194.00

(ZBA DISK#7-012192.FEE)

Refund

*Paid 6/17/97
ck # 740*
*paid
ck # 739. 6/17/97*

Patricia A. Burchard
2BA

DANIEL J. CASTRO
MARIA L. CASTRO
914-567-8339
29 KINGS DR.
NEW WINDSOR, NY 12553

29-1/213
9380825602

740

DATE 6-17-97

PAY TO THE
ORDER OF

Town of New Windsor

\$ 50.00

Fifty and

00/100

DOLLARS



27512 Union Avenue
Newburgh, New York 12550

28A

MEMO

Variance #96-30

Daniel J. Castro

⑆02⑆3000⑆9⑆ 93808 25602⑆ 0740

DANIEL J. CASTRO
MARIA L. CASTRO
914-567-8339
29 KINGS DR.
NEW WINDSOR, NY 12553

29-1/213
9380825602

739

DATE 6-17-97

PAY TO THE
ORDER OF

Town of New Windsor

\$ 300.00

Three hundred and

00/100

DOLLARS



27512 Union Avenue
Newburgh, New York 12550

28A

MEMO

Variance #96-30

Daniel J. Castro

⑆02⑆3000⑆9⑆ 93808 25602⑆ 0739

In the Matter of the Application of

DANIEL CASTRO

#96-30.

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

WHEREAS, DANIEL CASTRO, 29 Kings Road, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 9 ft. rear yard variance for a proposed deck to be located at the above residence in an OLI zone; and

WHEREAS, a public hearing was held on the 14th day of July, 1994 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared before the Board on his own behalf for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a one-family home located in a neighborhood of one-family homes.

(b) Most other homes in the neighborhood have similar decks.

(c) The construction of a new deck will not alter the landscape or cause any displacement or change in the vegetation.

(d) The proposed deck will not cause any water accumulation or change any water flow.

(e) The proposed deck will not create any ponding.

(f) The proposed deck will not interfere with sewer or water facilities.

(g) Without a deck on the premises there would be a substantial safety hazard as a person using one of the exits to the home would fall a considerable distance to the ground thereby certainly seriously injuring themselves.

(h) The deck could not be located on the property in such a way as to conform with the Zoning Local Law.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted due to the peculiar nature of the property and that the location of the existing structure will enhance rather than detract from the value of the property.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed for the reason that a deck is a permissible accessory structure and it is located on the premises in the least intrusive place possible due to the nature and location of the property.

6. The benefit to the Applicant, if the requested variance is granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 9 ft. rear yard variance to construct a deck located at the above-referenced property in an OLI zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: September 8, 1997.


Chairman

Prelim.
June 10, 1996
#96-30.

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: MAY 6, 1996

APPLICANT: DANIEL CASTRO
29 KINGS ROAD
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: MAY 2, 1996

FOR (BUILDING PERMIT): 12FT. X 20FT. DECK *(proposed)*.

LOCATED AT: 29 KINGS ROAD

ZONE: OLI

DESCRIPTION OF EXISTING SITE: SECTION: 32, BLOCK:1 , LOT: 10.22
ONE FAMILY HOME

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. DECK DOES NOT MEET THE REQUIRED 50FT. YARD SETBACK.

(not constructed yet)

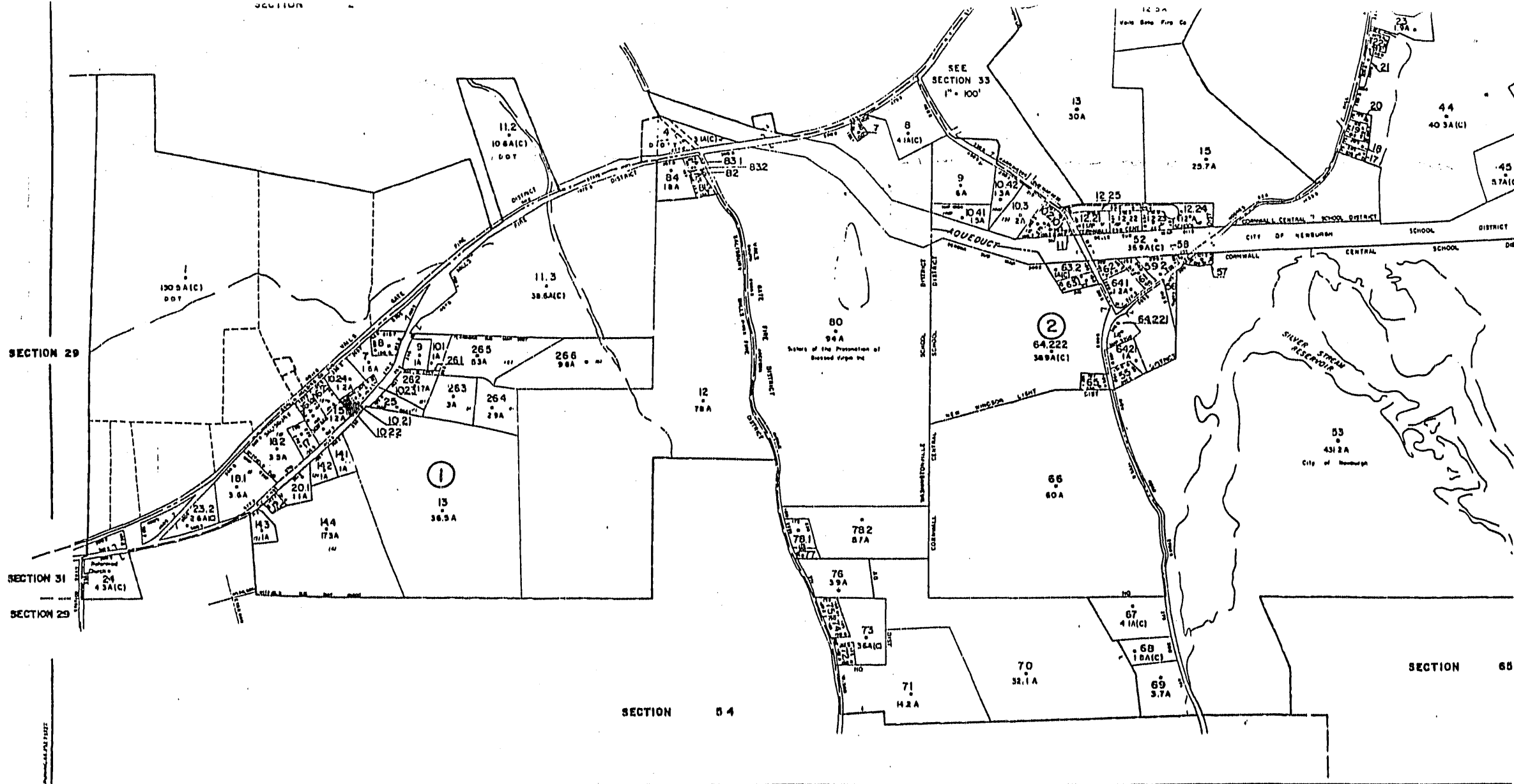
Christ Schmitt

BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: OLI	USE 48-25 B R1 BULK TABLE	
REQ'D REAR YD. 50FT.	41FT.	9FT.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.



B.M.I. CONSTRUCTION, INC.

THE DECK SPECIALISTS

Monroe, New York
(914) 782-6533

Pomona, New York
(914) 362-1647

JOB NAME: DAN CASTRO

JOB # 96-21

ADDRESS: _____

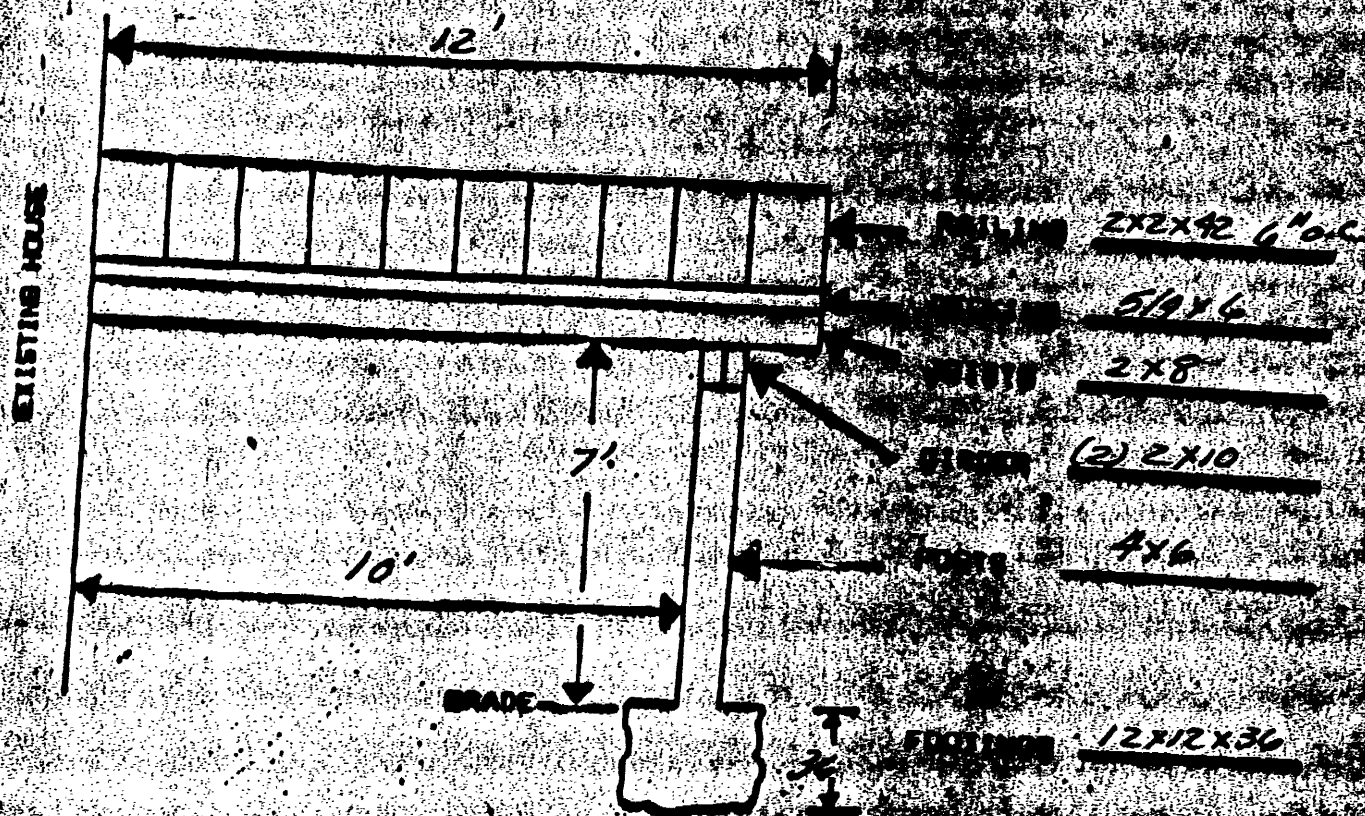
SPECIFICATIONS FOR PROPOSED DECK

- Footings:** 12"x12"x 36" DEEP POURED CONCRETE 2" ABOVE GRADE
- Posts:** 4"x6" NOTCHED AND LAGGED TO GIRDER WITH METAL PLATES AT BASE ATTACHED TO FOOTINGS WITH METAL FASTENERS
- Backplate:** 2"x 8" ATTACHED TO HOUSE WITH 3/8"x6" GALVANIZED LAGS 16" O.C.
- Girder:** DOUBLE 2"x 10" WITH MAXIMUM SPAN BETWEEN POSTS OF 96"
- Joists:** 2"x 8" SET 16" O.C. ATTACHED TO BACKPLATE WITH GALVANIZED HANGERS. MAXIMUM SPAN 10'
- Decking:** 5/4"x6" SET AT 45° ANGLE
- Railing:** 2"x2" SPINDLE 6" O.C. WITH DOUBLE SIDE CAP AND TOP CAP RAILING HEIGHT TO BE 36"

ALL WOOD USED TO BE #1 TREATED PINE WITH .40 CCA

JOB NAME:

SIDE VIEW
(NOT TO SCALE)

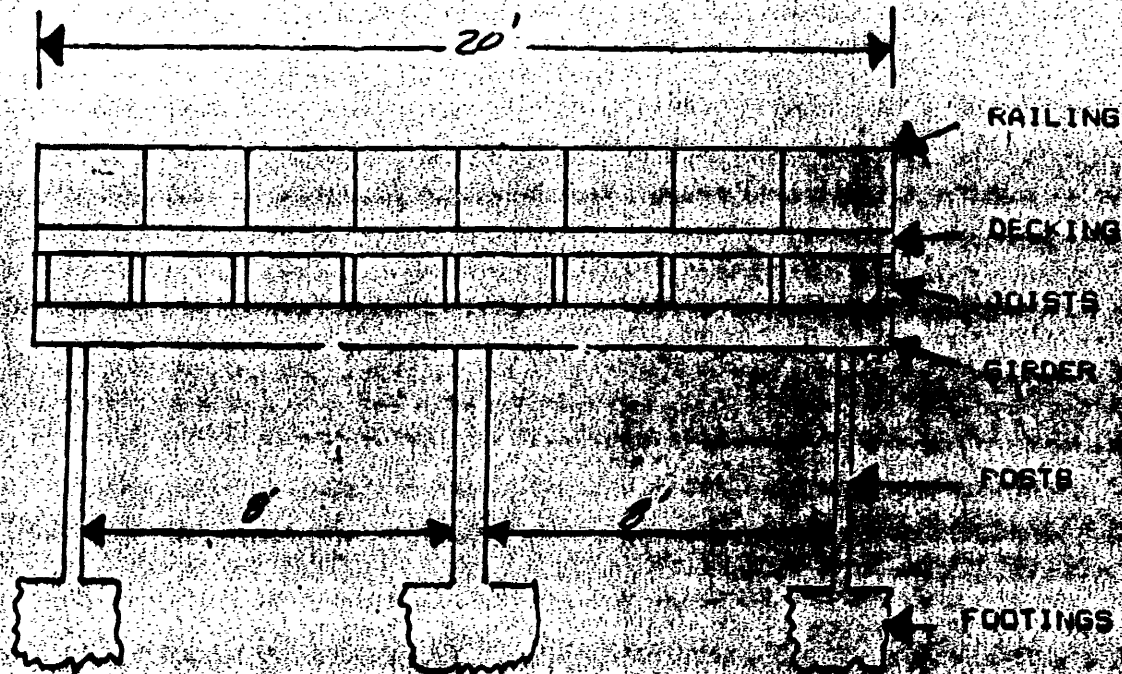


JOB NAME:

BMI CONSTRUCTION INC.
23 DOROTHY DR.
MONROE, N.Y. 10950

FRONT VIEW

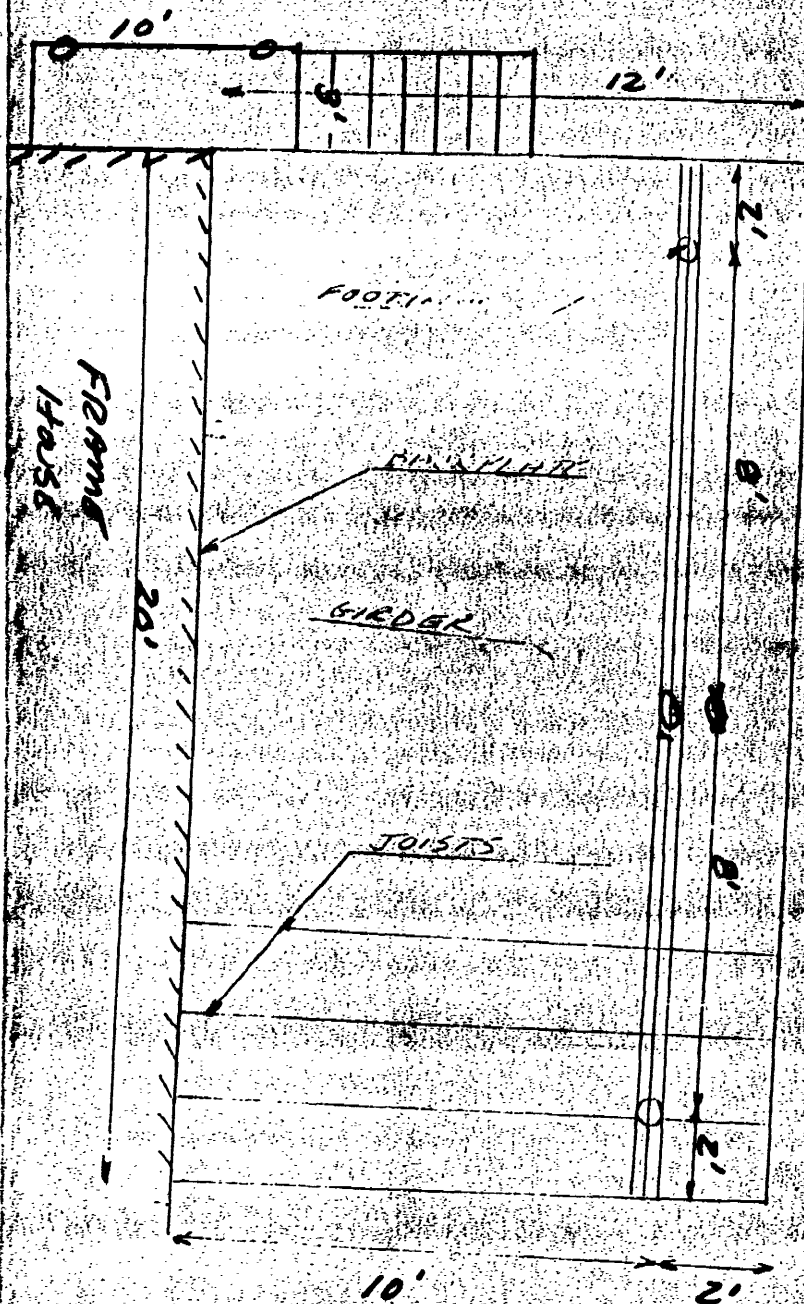
(NOT TO SCALE)



THE CEDAR SHOP

56 Route 17M
Harriman, NY 10926
(914) 782-6533

PROPOSED DECK
DAN CASTRO



DECK HEIGHT 7'

STRINGS ROUTED & SCREWED
AND STRINGERS FRAMED
MAX RISE 3 1/2"
MIN RUN 9 1/2"

N



DEED NORTH

Reputed Owner:
CASULLO
(Site 2429, page 98)

Reputed Owner: FLANAGAN
(Site 2447, page 243)

NO

7'-2"
OFFSET

AREA = 9.5 ± F

ASPH
DRIVE

EXIST
FRONT
DWELING

Reputed Owner: [illegible]
(Site 2429, page 98)

Whereby it is
- Done by [illegible]
- Northwest Mortgage Co. as collector
and/or assignor
- At Title Agency
Stewart Title Insurance Company
This is an accurate survey performed in
field and that there are no surface
encumbrances, except those shown hereon

[Handwritten signature]

ROBERT A. WEAVER, Surveyor, No. 1112 (18550)

KINGS ROAD
(C/O KING DRIVE)

Certification: I, the undersigned, being duly sworn, depose and say that the foregoing is a true and correct copy of the original survey as the same appears in the files of the New York State Department of Taxation and Finance, and that I am a duly qualified and licensed Surveyor in the State of New York.

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises DANIEL CASTRO

Address 29 KINGS RD NEW WINDSOR Phone 567-8339

Name of Architect _____

Address _____ Phone _____

Name of Contractor THE CEDAR SHOP

Address 56 RT 17M, HARRINGTON 10926 Phone 782-6533

State whether applicant is owner, lessee, agent, architect, engineer or builder BUILDER

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the N/W side of KINGS RD
(N.S.E. or W.)
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated OLI Is property a flood zone? Yes _____ No _____
3. Tax Map description of property: Section 32 Block 1 Lot 10.22
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy SINGLE FAMILY b. Intended use and occupancy SAME
5. Nature of work (check which applicable): New Building _____ Addition _____ Alteration _____ Repair _____
Removal _____ Demolition _____ Other DECK
6. Size of lot: Front Rear 72' Depth 125 Front Yard _____ Rear Yard _____ Side Yard _____
Is this a corner lot? NO
7. Dimensions of entire new construction: Front 20' Rear 20' Depth 12' Height 7' Number of stories _____
8. If dwelling, number of dwelling units _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____
Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost 2600 - Fee _____
(to be paid on this application)
11. School District _____

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer -
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....5/1.....19...96

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

.....*Don Hunt*.....
(Signature of Applicant)

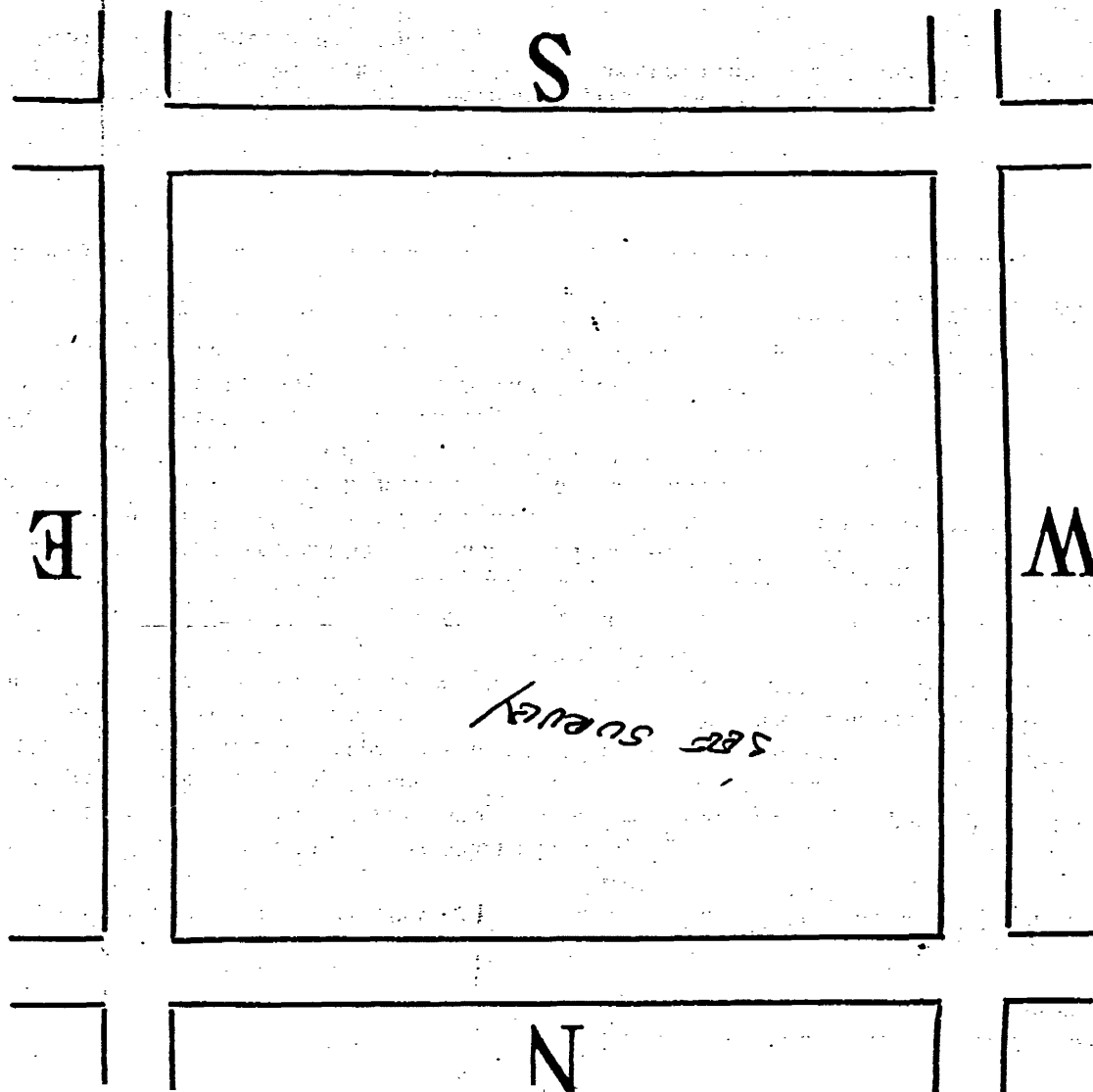
.....56 RT 17M, HARRIMAN 10926.....
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE



Date 1/28/77 19.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Frances Roth 168 N. Drury La DR.
Wellington, N.Y. 12558

DATE		CLAIMED	ALLOWED
7/14/77	Zoning Board Mtg	75.00	
	Misc - 3		
	Haber/Cellularone - 5		
	Dellafiora - 4		
	Castro - 3		
	15	13.50	
		67.50	
		142.50	

PUBLIC HEARING:

CASTRO, DANIEL

Daniel Castro appeared before the board for this proposal.

MR. NUGENT: Request for 9 ft. rear yard variance for proposed 12x 20 ft. deck at 29 Kings Road in an OLI zone.

MR. KRIEGER: Let the record reflect there is no one present in the audience.

MS. BARNHART: Even though we sent out-- how many letters did we send?

MR. CASTRO: I believe it was 29. No, I'm sorry, 20.

MS. BARNHART: 20. That's close. And they all went out on June 24, 1997.

MR. REIS: No responses?

MS. BARNHART: This is the only response we have right here.

MR. BABCOCK: Pat, do you know when the preliminary meeting was on this?

MS. BARNHART: Yes, June 10th, 1996.

MR. TORLEY: '96?

MS. BARNHART: Mm-hmm. Right. Just made it under the wire. When he came back to reapply, it was just less than a year. This is on Kings Road. Does everyone know where that is?

MS. OWEN: No. Where is Kings Road?

MR. CASTRO: That is about a thousand feet up from Stewart Airport. Right by Little Britain School.

MR. BABCOCK: Past the Stewart Terrace Agency and then there is a left-hand turn, it's a loop that comes back out to Station Road.

MR. CASTRO: And, you know, I mentioned that I wanted to build a deck to all my neighbors and they were very

positive and very receptive so I don't think that I will have a problem.

MR. NUGENT: And you certainly need a deck out there.

MR. CASTRO: I certainly do.

MR. NUGENT: Are you going to put a double door there?

MR. CASTRO: I've -- actually on the side of the house, I've already put the screen door so it will wind like a loop around.

MR. KRIEGER: And without a deck, if someone were to walk out that door, they would suffer serious injury.

MR. TORLEY: It would not alter the character of the neighborhood?

MR. CASTRO: No, not at all.

MR. KRIEGER: Are there other similar decks in the neighborhood?

MR. CASTRO: Yes.

MR. TORLEY: You're not going to effect drainage?

MR. CASTRO: No, not at all.

MR. TORLEY: Hardship to try to locate it on some part of the property that wouldn't require a variance?

MR. CASTRO: Right.

MR. TORLEY: And you mentioned the door. The present door is a safety hazard without a deck?

MR. CASTRO: Yes.

MR. KRIEGER: Does it interfere with any course of water drainage or cause any ponding or accumulation of water?

MR. CASTRO: Not at all.

MR. KRIEGER: And there are no sewer lines, septic feeds, leach fields, wells, underneath where the proposed deck is?

MR. CASTRO: Not at all.

MR. REIS: Accept a motion?

MR. NUGENT: Yes.

MR. TORLEY: One quick question. Since this is an OLI zone, this whole thing comes under the heading of pre-existing non-conforming use?

MR. KRIEGER: We're not changing the use of the property. This is a pre-existing non-conforming use.

MR. NUGENT: I'll accept a motion.

MS. OWEN: I make a motion that we approve the rear yard variance for the proposed 12 x 20 deck for Mr. Daniel Castro.

MR. REIS: Second.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of

Daniel Castro.
Applicant.

**AFFIDAVIT OF
SERVICE BY
MAIL**

#97-30.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on June 24, 1997, I compared the 20 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
23rd day of June, 1997.

Deborah Green
Notary Public

**DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1997**



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (914) 563-4633
Fax: (914) 563-4693

OFFICE OF ASSESSOR FOR TOWN

20

April 25, 1997

Mr. Daniel Castro
29 Kings Road
New Windsor, N. Y. 12553

Re: Tax Map Parcel 32 - 1 -10.22

Dear Mr. Castro:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

L. Cook/Cad

LESLIE COOK
Sole Assessor

LC/pab

cc: Pat Barnhart, ZBA

James P. McGuinness, Airport Director
NYS Dept. of Transportation
1035 First Street-Stewart Airport
New Windsor, N. Y. 12553

Edward P. & Dorothy Flanagan
751 Little Britain Road
New Windsor, N. Y. 12553

Peter Donohue
137 Kings Drive
Rock Tavern, N. Y. 12575

Edward P. & Jane Ann Flanagan
136 Kings Drive
New Windsor, N. Y. 12553

Richard P. & Frances P. King
115 Kings Drive
Rock Tavern, N. Y. 12575

Richard & Linda Ostner
66 Union Avenue
New Windsor, N. Y. 12553

John R. & Linda G. Flannery
85 Helms Hill Road
Washingtonville, N. Y. 10992

Joseph & Colleen Lopez
23 Kings Drive
Rock Tavern, N. Y. 12575

Donald A. Witfield
291 Mountain Road
Cornwall-on-Hudson, N. Y. 12520

Daniel P. Konkol
11 Cross Street
New Windsor, N. Y. 12553

Charles & Blondie Green
R. D. #1-Route 207
Rock Tavern, N. Y. 12575

Robert & Donna Casullo
Route 207, Box 758, R. D. #2
New Windsor, N. Y. 12553

Virginia L. Romano
11 Benchwood Circle
San Antonio, TX 78248

Jean M. Finnegan
26 Richman Avenue
Newburgh, N. Y. 12553

Frederick E. & Margaret M. Miles
24 Kings Drive
Rock Tavern, N. Y. 12553

Gregory Najac
Patricia Macaulay
45 Kings Road
New Windsor, N. Y. 12553

Dorothy & Jane Flanagan
751 Little Britain Road
New Windsor, N. Y. 12553

Henry & Margaret M. Hall
375 Toleman Road
Rock Tavern, N. Y. 12575

Paul J. & Bobbi T. Wida
1428 Englewood Street
Bethlehem, PA 18017

Charles M. Jr. & Nancy Lewis
Route 207, RD2 Kings Dr.
Rock Tavern, NY 12575

Pls. publish immediately. Send bill to Applicant at below address.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 30.

Request of Daniel & Maria Castro.

for a VARIANCE of the Zoning Local Law to permit:

Construction of deck w/ insufficient rear yard;

being a VARIANCE of Section 48-12-Table of Use/Bulk
Reqs., Col. G

for property situated as follows:

29 Kings Drive, New Windsor, N.Y. 12553

known as tax lot Section 32 Block 1 Lot 10.22.

SAID HEARING will take place on the 14th day of July,
1997, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

James Nugent
Chairman

By: Patricia A. Barnhart, Secy.

Date 6/20/96, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 147 Sycamore Dr DR.
New Windsor, NY 12553

DATE			CLAIMED	ALLOWED
6/10/96	Zoning Board Meeting		75 00	
	Misc - 2			
	Belle - 1			
	Cuttica - 3			
	Monaco - 9			
	Morse - 3			
	Schultz - 4			
	Castro - 5 22.50.			
	Tepper - 2			
	Lindemann - 4			
	Petronella - 4		166 50	
	<u>37 pp</u>		<u>241 50</u>	

~~CONFIDENTIAL~~

MR. NUGENT: Request for 9 ft. rear yard variance for proposed deck at 29 Kings Road in an OLI zone.

Mr. Dan Castro came before the board for this proposal.

MR. CASTRO: Unfortunately, I didn't bring any photos, my contractor was supposed to leave a layout.

MR. NUGENT: Let's see what we have got here.

MR. TORLEY: This just was just recently rezoned over there to OLI.

MR. KRIEGER: What is physically around your area?

MR. CASTRO: I have a neighbor who built a new home which is probably I would say about a third of an acre away from where the proposed deck will be. And to the right of the house facing the house there's another home which is probably about I'd say 200 feet away.

MR. TORLEY: It's all residential.

MR. REIS: Off Station Road.

MR. CASTRO: Physically, it's residential, yes.

MR. KANE: How big is the deck you're going to build?

MR. CADSTRO: We propose 12 x 20 but you know we make smaller but I thought to go for a larger variance.

MR. CANE: Is the 20 infringing on the rear yard?

MR. CASTRO: I'm sorry, the 12 is.

MR. TORLEY: That is something for you to bring up at public hearing that you can't fit a usable deck in that space that shows your difficulties.

MR. REIS: Is this a new house?

MR. CASTRO: No, this house is roughly 70, 80 years

June 10, 1996

23

old, it was a converted barn, the barn was built in I believe 1833 and then they converted it.

MR. TORLEY: Half stone?

MR. CASTRO: Yes.

MR. LANGANKE: He shows nine foot eight inches to the side boundary on a diagram here. Who told you that you needed the rear yard variance, was somebody out there?

MR. CASTRO: As far as I know, no one's come out to take a look at it.

MR. LANGANKE: How did you know that you needed a rear yard variance?

MR. CASTRO: I received this letter indicating that I needed 50 feet in the back of the house and I only have 41.

MR. NUGENT: Because it's OLI, it changes because he's got 41 feet, I'm looking at his sketch.

MR. LANGANKE: I'm looking at the side yard.

MR. NUGENT: Side yard is not a problem.

MR. TORLEY: OLI doesn't have a side yard.

MR. NUGENT: The reason for the variance is because 50 foot rear yard, he's got 40, residential zone he'd be fine.

MR. TORLEY: OLI, there's no side yard variances or side yard setback you think.

MR. NUGENT: Look at the bulk table to know that.

MR. LANGANKE: He doesn't have ten feet on the side yard, maybe he needs a side yard variance also so now is the time to bring it up.

MR. TORLEY: You don't want to do this twice.

MR. NUGENT: You're right, he has 9'8" and also he's got 7'2".

MS. BARNHART: Maybe they didn't pick that up, maybe we should question them.

MR. LANGANKE: That is what I am trying to bring out.

MR. NUGENT: We can have the building inspector modify the what do you call it?

MR. KRIEGER: The disapproval.

MR. NUGENT: Disapproval, if necessary.

MR. LANGANKE: When was this converted to a house?

MR. CASTRO: That I am not certain, I believe it was converted somewhere around 1933.

MR. LANGANKE: Maybe it pre-dates zoning. Takes care of that part but not the steps coming out the side. You might need another variance, so inquire so you don't have to go through this whole process again.

MR. NUGENT: It's based on an R-1 zone.

MR. KRIEGER: As it exists, if he wasn't looking to add anything to it, it would be a pre-existing non-conforming use, it would be allowed to continue. He's proposing adding something to it and therefore, he's increasing the pre-existing non-conforming use that is not allowed but the, I think the reason why those side yard, why the side yard is required or not is because the proposed deck would not increase the non-conforming nature, wouldn't make it worse.

MR. TORLEY: You're allowed a couple feet for stairwells, not counting as part of the front or side.

MR. KRIEGER: I'm just telling you what--

MR. TORLEY: You're allowed for a staircase or something in the side yard.

MR. LANGANKE: Do you have to put the stair there?

MR. CASTRO: Well, again if I don't, it would cost me probably \$1,000 to \$2,000 for the change.

MR. LANGANKE: Looks like you need a variance for the side yard.

MS. BARNHART: I'll question him tomorrow and I'll call you.

MR. KANE: Accept a motion?

MR. NUGENT: Yes.

MR. KANE: Move we set up Mr. Castro for public hearing for the requested variances.

MR. TORLEY: Second it.

MR. REIS: Can I just make a point? Anticipating a side yard variance as well, would it behoove us to make an amendment at this time to expedite the whole situation?

MR. KRIEGER: As long as the amendment is made before the final vote is taken, it's not required, not required to be made at this point. If it's deemed advisable, it can always be done.

MR. REIS: You suggest wait?

MR. KRIEGER: Find out if it's necessary or advisable and if it is--

MR. NUGENT: May not even have to do it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

June 10, 1996

26

MS. BARNHART: Mr. Castro, here's your paperwork, you can start filling it out and read the instructions first and I'll call you on this.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

96-30

Date: 5/17/97

I. ✓ Applicant Information:

- (a) DANIEL + MARIA CASTRO 29 KINGS DRIVE NEW WINDSOR, NY
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) OLI 29 KINGS DRIVE NEW WINDSOR, NY 32.1 10.22
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NONE
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 12/94
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____

N/A
(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

N/A
(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section §8-12, Table of Use/Built Regs. Regs., Col. G.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.		
Reqd. Rear Yd. <u>50 FT.</u>	<u>41 FT.</u>	<u>9 FT.</u>
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

✓ whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

I would like to have a modest deck built on the back left side of my home. We need a outdoor family gathering area for cookouts, outdoor sitting, recreation, etc., for which we lack. we have 41 feet.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____

N/A
(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

N/A
(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation: N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

IN ORDER TO ACCOMMODATE THE DECK WE HAVE INSTALLED SUFFICIENT LIGHTING TO ILLUMINATE THE AREA. THE DECK WILL IN NO WAY IMPOSE OR PLACE RESTRICTIONS ON NEIGHBORING HOMES TO THE REAR, RIGHT OR LEFT OF THE DECK. THE DECK WILL NOT CAUSE NEGATIVE EFFECTS TO THE ENVIRONMENT'S LANDSCAPE. MY NEIGHBORS WELCOME THE ADDITION.

- ✓ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
✓ Copy of tax map showing adjacent properties.
N/A Copy of contract of sale, lease or franchise agreement.
✓ Copy of deed and title policy.
✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
N/A Copy(ies) of sign(s) with dimensions and location.
✓ Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$300.00, each payable to the TOWN OF NEW WINDSOR.
✓ Photographs of existing premises from several angles.

X. Affidavit.

Date: 6/17/97.

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

[Signature]
(Applicant)

Sworn to before me this

17th day of June, 1997

XI. ZBA Action:

(a) Public Hearing date: _____

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1997.

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

DUTCHESS ABSTRACT OF THE
HUDSON VALLEY, INC.
2 CANNON STREET
POUGHKEEPSIE, NEW YORK 12601
914-452-2740
FAX: 914-452-2747

APPLICANT: LEAH COHEN, ESQ

DANIEL J. AND MARIA L. CASTRO
TO
MIDDLETOWN SAVINGS BANK

TITLE NO. DAV-8164

PREMIUM:

FEE OF: \$[]
MORTGAGE OF: \$140,000 \$ 349.00

TOTAL ENDORSEMENT CHARGE (AS OF 9/1/1993) 100 -
RATES FOR ENDORSEMENTS ON
SCHEDULE ATTACHED.

RECORDING FEES:

DEED	
MORTGAGE	<u>46 -</u>
B/L AGREEMENT	
SATISFACTION	<u>22.50</u>
CAPITAL GAINS TAX AFF.	\$ 6.00
OTHER DOCUMENTS - E & A FORM	\$ 25.00

MORTGAGE TAX	<u>1625.00</u>
TRANSFER TAX	

SPECIAL SEARCHES OR SERVICES:

SURVEY INSPECTION	\$100.00
DEPARTMENTAL SEARCH	\$100.00
OTHER FLOOD CERTIFICATION	\$ 50.00
OUT OF COUNTY CLOSING (ONLY APPLICABLE IF CLOSING IS OUTSIDE OF DUTCHESS COUNTY)	\$ 45.00
CLOSING EXCESS OF 2 HOURS or NON-BUSINESS HOURS:	\$ 45.00
ADDITIONAL ATTENDANCE TO PICK UP DOCUMENTS:	\$ 45.00

TOTAL: 1792.50

CC: LEAH COHEN, ESQ. 320 MAIN MALL, POUGHKEEPSIE NY 12601
MAC VEAN LAW FIRM, 34 GROVE ST., BOX 310 MIDDLETOWN NY 10940
MIDDLETOWN SAVINGSBANK, 35 MATTHEWS ST., PO BOX 609, GOSHEN
NY 10924 (LOAN SERVICING DEPT)

Mac vean Mortgage

90,684.31

ENDORSEMENT CHARGES:

TITLE NO. JAV-8164

VARIABLE RATE MORTGAGE	\$25.00
VARIABLE RATE MORTGAGE - NEGATIVE AMORTIZATION	\$25.00
FANNIE MAE BALLOON MORTGAGE	\$25.00
CONDOMINIUM 4	\$25.00
PLANNED UNIT DEVELOPMENT	\$25.00
ENVIRONMENTAL PROTECTION LIEN (8.1)	\$25.00
WAIVER OF ARBITRATION (LOAN POLICY)	\$25.00
RESIDENTIAL MORTGAGE (1 TO 4 FAMILY)	\$25.00
FUTURE MARKET VALUE (10% OF STRAIGHT FEE RATE)	\$[]
SURVEY ENDORSEMENT (10% OF STRAIGHT MORTGAGE RATE) (LOAN ONLY)	\$70.00
ALTA ENDORSEMENT 9 (10% OF STRAIGHT MORTGAGE RATE)	\$70.00
REVOLVING CREDIT (10% OF STRAIGHT MORTGAGE RATE) (Residential/Commercial)	\$70.00

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

Commitment No. _____

COMMITMENT FOR TITLE INSURANCE

Issued by
LAWYERS TITLE INSURANCE CORPORATION

Lawyers Title Insurance Corporation, a Virginia corporation, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations on the reverse hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

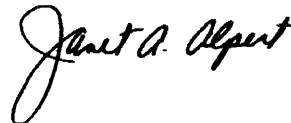
This Commitment is preliminary to the issuance of the policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate nine months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

This Commitment shall not be valid or binding until countersigned by an authorized officer or agent.

IN WITNESS WHEREOF, Lawyers Title Insurance Corporation has caused its corporate name and seal to be hereunto affixed by its duly authorized officers on the date shown in Schedule A.

Lawyers Title Insurance Corporation

By:



President

Attest:



Secretary.

Countersigned by:

by:



Authorized Officer or Agent

Telephone number:

This Commitment is intended for lawyers only. Such exceptions as may be set forth herein may affect marketability of title. Your lawyer should be consulted before taking any action based upon the contents of this Commitment. The Company's representative at the closing hereunder may not act as legal advisor to any of the parties or draw legal instruments for them. Such representative is permitted to be of assistance only to an attorney. It is advisable to have your attorney present at the closing.

**DUTCHESS ABSTRACT
OF THE HUDSON VALLEY, INC.**
Agents for Lawyers Title Insurance Corporation

1 Cannon Street
Poughkeepsie, New York 12601
914-462-1740
FAX: 914-462-1747

Title No. DAV-8164-30

Certifies to: LEAH COHEN, ESQ.
Proposed Insured: ^{MSB Bank} ~~MIDDLETOWN SAVINGS BANK~~ ITS SUCCESSORS AND/OR ASSIGNS
Mortgagor: DANIEL J. CASTRO AND MARIA L. CASTRO A/K/A MARIE L. CASTRO
Mortgagee: ^{MSB Bank} ~~MIDDLETOWN SAVINGS BANK~~ ITS SUCCESSORS AND/OR ASSIGNS
Amount of Insurance Fee Mortgage \$ 140,000

ENVIR
WAIVER
RES mdy

THIS COMPANY CERTIFIES that a good and marketable title to the premises described in Schedule A, subject to the liens, encumbrances and other matters, if any, set forth in this certificate may be conveyed and/or mortgaged by.

DANIEL J. CASTRO AND MARIA L. CASTRO, A/K/A MARIE L. CASTRO by
a deed from MDFC LOAN CORPORATION dated 12/19/95 and recorded 3/8/95
in Liber 4190 cp 319. 94

Address: KINGS ROAD
County: ORANGE
Municipality: NEW WINDSOR
School District: WASHINGTONVILLE
Section/Block/Lot: 32-1-10.22

Effective Date: 10/1/95

DUTCHESS ABSTRACT OF THE
HUDSON VALLEY, INC.

Redated: 11-2-95

Closer: M F J
CS

By: Lee Ann McCallum

NOTICE:

IF THIS IS A REFINANCE WITHIN TEN YEARS, YOU MAY BE ENTITLED TO A REDUCED PREMIUM. CONTACT THIS COMPANY IMMEDIATELY FOR DETAILS.

143 F
mdy

mdy: SAME
DUPD 11-2-95
Am 140,000

mdy: MSB Bank
MIDDLETOWN SAVINGS
Bank

(VAR)

AMENDED SCHEDULE "A" - DESCRIPTION

Title No. DAV-8164-BC

ALL that certain plot, piece or parcel of land lying and being in the TOWN OF NEW WINDSOR, County of ORANGE, State of New York bounded and described as follows:

BEGINNING at an iron pin found on the northerly side of Kings Road a/k/a Kings Drive, said pin being the southeasterly most corner of the lands reputedly of Konkol and also being North 71-55-23 East a distance of 322.50 feet from an iron pin found, thence from said point or place of beginning and along the lands reputedly of said Konkol and along the lands reputedly of Casullo, North 08-38-00 West a distance of 139.34 feet, thence along the lands reputedly of ~~Flanagan, North 76-17-36 East a distance of 69.25~~ ^{thence along the} lands reputedly of King, South 08-38-00 East a distance of 124.95 feet to an iron pin found, thence along the northerly side of said Kings Road South 64-48-43 West a distance of 71.97 feet to the point or place of beginning.

1230 C

SCHEDULE B

The following estates, interests, defects, objections to title, liens and encumbrances and other matters will be excepted from the coverage of any policy or policies to be issued.

1. Defects and encumbrances arising or becoming a lien after the date of the policy to be issued, except as therein provided.
2. Consequences of the exercise and enforcement or attempted enforcement of any governmental war or police powers over the premises.
3. Any laws, regulations or ordinances (including, but not limited to zoning, building, and environmental protection) as to the use, occupancy, subdivision or improvement of the premises adopted or imposed by any governmental body, or the effect of any noncompliance with or any violation thereof.
4. Judgments against the insured or estates, interests, defects, objections, liens or encumbrances created, suffered, assumed or agreed to by or with the privity of the insured.
5. Title to any property beyond the lines of the premises, or title to areas within or rights or easements in any abutting streets, roads, avenues, lanes, ways or waterways, or the right to maintain therein vaults, tunnels, ramps or any other structure or improvement, unless this Commitment specifically provides that such titles, rights, or easements are insured. Notwithstanding any provisions in this paragraph to the contrary, the policy to be issued, unless otherwise excepted in this Commitment, will insure the ordinary rights of access and egress belonging to abutting owners.
6. Title to any personal property, whether the same be attached to or used in connection with said premises or otherwise. (No search has been made for financing statements except as may have been ordered and reported separately.)

Schedule B of the policy or policies to be issued will further contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

- One
7. If the application is for insurance under a master or blanket policy all items under this Schedule B will be excepted from coverage in the Certificate of Title Insurance to be issued hereon unless disposed of to the satisfaction of the Company on or prior to closing.
 8. The identity of parties at the closing of this title should be established to the satisfaction of the closer and the affidavit attached to this certificate filled out, signed and sworn to.
 9. Deeds and mortgages must contain the covenant required by Section 13 of the Lien Law and such covenant must be absolute and not conditional. The covenant is not required in deeds from referees or other persons appointed by a court for the sole purpose of selling property.
 10. When the transaction is an assignment of a mortgage or other lien, an estoppel certificate executed by the owner of the fee and by the holders of all subsequent encumbrances must be obtained. When the transaction is a mortgage, the amount actually advanced should be reported to the Company.
 11. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
 12. If the present transaction consists in whole or in part of a conveyance or lease by a corporate grantor or lessor, there must be compliance with Section 909 of the Business Corporation Law. We will require the written consent to such conveyance or lease by all of the holders of the outstanding shares of the said corporation and the instrument on closing should so recite. In lieu thereof the consent of the holders of two-thirds of all of the outstanding shares entitled to vote thereon obtained at a meeting duly noticed and called for the purpose of obtaining such consent in the manner provided for in Section 605 of the Business Corporation Law is required and the instrument on closing should so recite.
If neither of the above is obtained, then, the proofs showing the basis upon which the conveyance or lease is to be made must be submitted to counsel prior to closing.
 13. If the present transaction consists in whole or in part of the making of a new mortgage there must be compliance with Section 911 of the Business Corporation Law. We will require a certified copy of the resolution of the board of directors of any corporate mortgagor authorizing the making of said mortgage.
Proof must also be shown that the consent of stockholders of the mortgagor corporation is not required by its certificate of incorporation or amendments thereto for the making of said mortgage.
The mortgage should contain a recital showing that it was made and executed pursuant to the resolution of the board of directors of the mortgagor.
 14. If this Commitment requires a conveyance of the fee estate and the contract therefor has not been submitted to the Company, it should be furnished for consideration prior to closing.

(Continued)

Schedule 3 (Continued)

Title No. JAV-8154-3C

16. Rights of present tenants, lessees or parties in possession.

17. Mortgages returned and set forth herein ONE

18. Survey made by Howard W. Weeden, P. L.S. dated 12/14/94 shows overhead utility lines. Personal inspection on 10/3/95 shows wooden shed at northeast corner of property, ~~not located~~ with *with bank*. No other variations or encroachments.

19. The exact location and dimensions of the boundary lines of the premises described in schedule "A" will not be insured in the absence of a guaranteed survey.

20. Any state of facts which an accurate survey might show including changes or alterations in street lines, if any.

21. Underground encroachments and easements, if any including pipes and drains and such rights as may exist for entry upon said premises to maintain and repair the same. Policy will insure for mortgage purposes that the same will not interfere with the use of the premises for residential purposes.

22. No title is insured to any land lying within the lines of any street, road, avenue, lane, turnpike or highway in front of or adjoining the premises described in schedule "A" or which may cross over the same.

23. The identity of parties at the closing of this title should be established to the satisfaction of the closer acting for this company.

24. Taxes, Tax liens, tax sales, water charges, sewer rents and assessments as set forth herein

25. Company excepts any Covenants and Restrictions in the Deed of Conveyance.

26. Although the company will use its best efforts to record instruments promptly, no liability is assumed for penalties and interest under Section 1416 of the Tax Law due to the inability to file transfer tax and gains tax returns or pay transfer taxes within the time required.

18. COVENANTS AND RESTRICTIONS as contained in Liber 247 op 250 Policy will insure for mortgage purposes that the covenants and restriction set forth herein have not been violated and that any present or future violation will not result in reversion or forfeiture.

19. UTILITY EASEMENTS as contained in Liber 1384 op 73 Policy will insure for mortgage purposes that except for any wires to the house on the premises, for the purpose of servicing the same, the easement affects property lines only and does not exceed ten (10) feet in width inside record lines.

20. STORM DRAINAGE DITCH EASEMENT as contained in Liber 1602 op 1033 Policy will insure for mortgage purposes that the same will not interfere with the use of the premises for residential purposes.

21. The judgement(s) set forth herein against the name Jamie Castro requires satisfactory disposition. If this judgment is not against the party in the chain of title, a specific affidavit should be obtained from him.

FOR INFORMATION:

ALL closing instruments must be an original
in BLACK PRINT and must be executed in BLACK INK.

FOR INFORMATION:

FORM TP 584 (COMBINED REAL PROPERTY TRANSFER GAINS TAX AFFIDAVIT, REAL ESTATE TRANSFER TAX RETURN AND CREDIT LINE MORTGAGE CERTIFICATE) CANNOT BE SIGNED BY AN ATTORNEY UNLESS ACCOMPANIED BY A RECORDABLE POWER OF ATTORNEY.

MORTGAGE

Title No. JAV-6164-5C

MORTGAGOR: DANIEL J. CASTRO AND MARIE L. CASTRO

MORTGAGEE: NORWEST MORTGAGE OF NEW YORK DBA NORWEST MORTGAGE

AMOUNT: \$66,000

DATED: 12/13/94

RECORDED: 3-3-95

LIBER 3362 MP 192

Out

Note: Sellers/Owners will be charged a minimum pick-up fee of \$ 75.00 or closer's customary charges for area in which closing takes place for each open mortgage unless satisfaction(s) of existing mortgage(s) is (are) presented unconditionally at closing. Additional charge(s) is (are) required for overnight mail services and the cost of recording satisfaction documents.

TAX SCHEDULE

File No. DAV-2164

Town: NEW WINDSOR

County of ORANGE

School District: WASHINGTONVILLE

Assessed in the name of WDFC LOAN CORP
KING ROAD
12 11 99

Section/Block/Lot: 62-1-10.22

Land Value: \$7,000
Full Value: \$32,200
LAND USE: 210

1995 STATE/COUNTY/TOWN TAX: \$3402.19 INCLUDES RELEVIED SCHOOL
OF \$ 2211.94 PAID

LIEN YEAR RUNS FROM 1/01/95 THROUGH 12/31/95

1995/96 SCHOOL TAX: \$2146.42 PAID 9/27/95

LIEN YEAR RUNS FROM 7/01/95 THROUGH 6/30/96

CERTIFICATE OF OCCUPANCY, NONE REQUIRED, BUILT PRIOR TO ZONING
SEE LETTER ATTACHED - NO VIOLATIONS OF RECORD
KING DRIVE IS MAINTAINED BY THE TOWN OF NEW WINDSOR

IF PREMISES ARE SERVICED BY MUNICIPAL WATER/SEWER:

A final water reading must be obtained, and the bill, therefore presented at closing. In the event the premises are serviced by the municipal water, sewer, etc. and no bill is presented, policy will except any an all charges accrued against the subject premises for same, unless a letter of indemnity is obtained from the attorney for the seller at closing, guaranteeing the payment of said water charges and holding the company harmless from any loss, claim or damage arising from his failure to do the same. In the alternative, the company will be forced to escrow from the proceeds of the sale an amount to be determined by the company at its discretion, sufficient to pay said water/sewer charges.

JUDGMENTS

FILE NO. DAV-8164-3C

NO 1553

ROTHAM AREA FEDERAL CREDIT UNION

\$ 2777.73

FILED 9/19/80

VS

ERINE CASTRO

8 OLD MANSON ROAD

WESTER NY 10916

Omt

**PREVIOUS
DOCUMENTS
IN POOR
ORIGINAL
CONDITION**



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

OCTOBER 2, 1995

DUTCHESS ABSTRACT OF THE HUDSON VALLEY, INC.
2 CANNON STREET
POUGHKEEPSIE, N.Y. 12601

PROPERTY ASSESSED TO: DANIEL AND MARIA CASTRO
KINGS DRIVE
NEW WINDSOR, N.Y. 12553
SECTION 32, BLOCK 1, LOT 10.22

DEAR SIRs:

PLEASE BE ADVISED THAT THE ABOVE REFERENCED STRUCTURE WAS BUILT 1930 WHICH WAS PRIOR TO THIS TOWN ADOPTING BUILDING AND ZONING CODES IN 1966. THEREFORE, THERE IS NO CERTIFICATE OF OCCUPANCY NOR IS ONE REQUIRED.

THIS LETTER HAS BEEN PREPARED AFTER INSPECTION OF THE RECORDS AVAILABLE IN THE TOWN HALL. THE RECORDS INDICATE THAT THERE ARE NO VIOLATIONS AT THE SUBJECT PREMISES. NO PERSONAL INSPECTION WAS MADE BY THE UNDERSIGNED FOR THE PURPOSE OF PREPARING THIS LETTER. THE TOWN OF NEW WINDSOR DOES NOT REPRESENT THAT THERE ARE NO VIOLATIONS AT THE SUBJECT PREMISES, HOWEVER, THE TOWN WILL REPRESENT THAT IT HAS NO KNOWLEDGE OF ANY VIOLATIONS AT THE SUBJECT PREMISES.

THE INSPECTION OF THE RECORDS WAS PERFORMED AT THE REQUEST OF AN INTERESTED PARTY. THE TOWN WILL NOT BE LIABLE FOR ANY LOSS OR DAMAGE THAT MAY BE SUFFERED BY THE INTERESTED PARTY OR ANY OTHER PARTY WHO MAY RELY ON THE CONTENTS OF THIS LETTER.

TITLE #9 NYCRR REQUIRES THAT A SMOKE DETECTOR BE INSTALLED PRIOR TO THE SALE OF THESE PREMISES. PLEASE SUBMIT TO THE FIRE INSPECTOR AT THE ABOVE ADDRESS THE ENCLOSED AFFIDAVIT OF COMPLIANCE INDICATING THAT A SMOKE DETECTOR HAS BEEN INSTALLED AND IS IN OPERATION.

VERY TRULY YOURS,

Michael Babcock
MICHAEL BABCOCK
BUILDING INSPECTOR *MB*

TRANSAMERICA FLOOD HAZARD CERTIFICATION
P.O. BOX 607 ELMWOOD PARK, NJ 07407-0607
(800) 247-3384 Customer Service (800) 553-3424 FloodFax

To: DUTCHES ABSTRACT
Borrower's Name: CASTRO
File Reference: DAV8164
Loan No: DAV8164

Id #: 80550
Att: LEE ANN

Certified Date: Friday, Sep 29th, 1995

TFHC #: 19950929NE0372

DETERMINATION

(X) Totally out of SFHA

We hereby certify to: DUTCHES ABSTRACT

that the land described below is TOTALLY OUT of a Special Flood Hazard Area as identified by the Director of the Federal Emergency Management Agency (FEMA) and is in a community that PARTICIPATES in the REGULAR PHASE of the National Flood Insurance Program (NFIP). Flood insurance up to \$250,000 is available through the NFIP but is not required.

BASIC CERTIFICATION SUBJECT PROPERTY

State: County:
NY ORANGE
Address:
KINGS DRIVE
Owner's Name:
CASTRO, DANIEL AND MARIA

Municipality:
NEW WINDSOR
Zip Code:
12553

Parcel Number:
32-1 10.22

FLOOD MAP DATA

1) Community #: 360628 Map Panel: 0005 Suffix: B Map Panel Date: 12/15/78
Flood Hazard Zone #1: C Floodway Area#1:



Thomas P. Della Torre, President

Date 12/14/94

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 29 day of Dec. , nineteen hundred and ninety-four
BETWEEN

MDFC LOAN CORPORATION, a Delaware corporation with offices at
4060 Lakewood Blvd., 6th Floor, Long Beach, CA 90808-1700

party of the first part, and

a.k.a. Marie L. Castro

DANIEL J. CASTRO AND MARIA L. CASTRO, residing at 11 Westcott
Ave., Providence, R.I. 02909

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

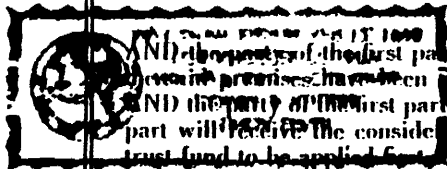
Town of New Windsor, County of Orange and
State of New York more particularly bounded and described as
follows:

BEGINNING at a point on the northwesterly side of Old Little Britain Road (now known as Kings Drive) which point is the southwesterly corner of the 0.1758 acre parcel conveyed by instant grantors to Joan A. Denlea by deed dated November 9, 1973 and from said point of beginning running thence S 64° 48' 43" W 71.97 feet to a point; thence leaving said side of road and running thence N 8° 38' W 139.34 feet to a point; thence N 76° 17' 36" E 69.25 feet; thence S 8° 38' E 124.95 feet to the point or place of beginning.

DEED (copy)

BEING the same premises conveyed by Action T.V. & Appliance Rentals, Inc. to MDCF Loan Corporation by deed dated June 15, 1992 and recorded in the Orange County Clerk's Office in Liber 3642 of Deeds at Page 340.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.



AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the above premises have been encumbered in any way whatever, except as aforesaid. AND the party of the first part in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

MDCF LOAN CORPORATION

By: 

STEPHEN J. NOVAK

NEW YORK, COUNTY OF

\$\$:

STATE OF NEW YORK, COUNTY OF

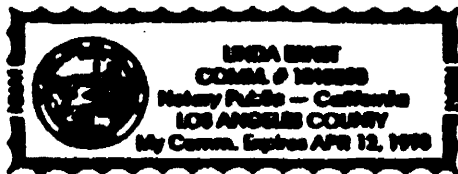
SS:

on the _____ day of _____ 19____, before me
personally came _____

On the day of 19 , before me
personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.



California

STATE OF ~~NEW YORK~~, COUNTY OF Los Angeles

\$5:

STATE OF NEW YORK, COUNTY OF

\$31

On the 19th day of December 1994, before me personally came Stephen J. Nowak

to me known, who, being by me duly sworn, did depose and say that he resides at No. 4060 Lakewood Blvd., 4th Floor, (Long Beach), CA 90808-1700 ; that he is the Authorized Agent of MFC Loan Corporation

in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

On the day of 19 , before me
personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Kimberly Ernst
Notary Public

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

E No.

SECTION

BLOCK

LOT

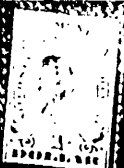
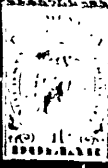
COUNTY OR TOWN

TO

RETURN BY MAIL TO:

Zip No.

Reserve this space for use of Recording Office.



550

This Indenture,

Made the 18th day of OCTOBER, nineteen hundred and forty,

Between MICHAEL J. DONNELLY, R. D. #2, Newburgh, New York, residing in the Town of New Windsor, Orange County, New York,

party of the first part, and
MARIAN DONAHUE, R. D. #2, Newburgh, New York, residing in the Town of New Windsor, Orange County, New York, daughter of Michael J. Donnelly, party of the first part,

party of the second part:

Witnesseth, that the party of the first part, in consideration of ONE - - - - - (\$1.00) - - - - - Dollars, lawful money of the United States,

paid by the party of the second part, and the natural love and affection of the party of the first part for the party of the second part, hereby grant and release unto the party of the second part, her heirs and assigns forever,

xd

All that certain piece or parcel of land, situate, lying and being in the Town of New Windsor aforesaid, and bounded and described as follows:

BEGINNING in the center of the State Road leading from Newburgh to Little Britain, said point of beginning being in the southerly line of lands now or formerly of Robert E. Morrison, and runs thence along lands now or formerly of said Morrison, being along a stone wall, south 63 degrees 21 minutes east 239.45 feet; thence south 62 degrees 12 minutes east 533.75 feet to a point in said wall; thence south 61 degrees 55 minutes east 355.75 feet to a point in said wall; thence still along lands now or formerly of Robert E. Morrison, south 62 degrees 53 minutes east 1073.4 feet to the junction of two stone walls in the line of lands of George Gorham; thence along lands of said Gorham, being along a stone wall south 27 degrees 05 minutes west 415.2 feet to a point in said wall; thence along lands of said Gorham, to and along a stone wall north 63 degrees 23 minutes west

1088.9 feet to the junction of two stone walls; thence still along lands of said Gorham, being along a stone wall, south 28 degrees 36 minutes west 364.8 feet to the junction of two stone walls; thence through lands of the party of the first part, being along a stone wall north 49 degrees 49 minutes west 203 feet to a point in said wall; thence along a stone wall north 53 degrees 36 minutes west 453 feet to a point in said wall; thence still through lands of the party of the first part, being along a stone wall and on the same line continued north 52 degrees 57 minutes west 552.9 feet to the center of the old Little Britain Road; thence along the center of the old Little Britain Road south 62 degrees 51 minutes west 132.2 feet; thence still through lands of the party of the first part passing three feet west of the southwest corner of the barn located on the lands herein described north 8 degrees 30 minutes west 423.9 feet to the center of the aforesaid Little Britain Road; thence along the center of said State Road ^{north} 74 degrees 26 minutes east 513.3 feet to the place of beginning. Containing 31.551 acres.

Subject to the following restriction:- That said premises shall not be used for any business or manufacturing purposes.

Being the same premises conveyed by Joseph Hart (widower) to Michael J. Donnelly and Mary Donnelly, his wife, by Deed dated October 1, 1927, recorded October 4, 1927 in Liber 670 of Deeds at Page 402, Orange County Clerk's Office. The said Mary Donnelly died intestate a resident of the Town of New Windsor, Orange County, New York, on the 24th day of November, 1939.

Rec
4/27/56

...Central Hawaii...
...Poughkeepsie...
...State of New York...
...on the 15th day of...

...operate and maintain there...
...underground conduits, and all other appurtenances...
...having regard to the origin, general direction...
...between said poles and beneath said wires and fixtures, provided that...
...and provided that no notice of...
...and provided that...
...their respective successors, assigns or lessees.

Witness my hand and seal this 15th day of April, 1956.

(S)

(S)

Residing at: _____
Number _____ Street _____
Town _____ County _____ State _____
*If no street number put "none"

PROJECT: Storm Drainage Ditch Easement
Stewart Air Force Base
Newburgh, New York
Tract No. 309E

THIS INDENTURE, made this 29th day of August 1961,
between MARION DONOHUE, also known as MARION DONAHUE, residing at
King Drive (no street number), Town of ^{New} Windsor, County of Orange,
Newburgh, New York, for herself, her heirs, executors, administra-
tors and assigns, hereinafter referred to as the GRANTOR and the
UNITED STATES OF AMERICA and its assigns, hereinafter referred to as
the GOVERNMENT.

WITNESSETH:

That the GRANTOR for and in consideration of the sum
of One Hundred (\$100.00) Dollars, the receipt and sufficiency of
which is hereby acknowledged, hereby grants, bargains, sells and
conveys unto the GOVERNMENT and its assigns: a perpetual and assign-
able easement and right of way in, over and across Tract No. 309E to
construct, maintain, repair, operate, patrol and replace a drainage
ditch; subject, however, to existing easements for public roads and
highways, public utilities, railroads and pipelines.

TRACT NO. 309E

All that tract or parcel of land situate in the Town of
New Windsor, County of Orange, State of New York, being a strip of
land 50 feet in width, the center line of which is more particularly
located as follows:

Beginning at a point in the boundary line between lands
of Herman H. Crome on the northeast and lands of Marion Donohue on
the southwest distant 390 feet more or less northwesterly, along
said boundary, from the most easterly corner of said lands of
Donohue.

Said point of beginning being also located at or near
the center of an existing stream crossing said properties. Running
thence S 11° 05' 30" E, through lands of Marion Donohue, on a line
approximately following said stream, 465 feet more or less to lands
of Frederick MacDowell at a point 162 feet more or less westerly,
along said lands of MacDowell, from the southeasterly corner of
said lands of Marion Donohue.

Containing 0.53 acres of land more or less.

REC-1602 pt 1024

Reserving, however, to GRANTOR, her heirs, executors, administrators and assigns all right, title, interest and privilege as may be exercised and enjoyed without interference with or abridgment of the easement and rights hereby to be conveyed.

TO HAVE AND TO HOLD, the above described easement and rights unto the GOVERNMENT and its assigns in perpetuity.

The GRANTOR covenants and agrees to pay all taxes and assessments on the above described property promptly when due as long as said property is owned in fee by the GRANTOR and to warrant and defend the title to said easement and rights hereby conveyed against the claims of all persons whomsoever, for the full term of the easements and rights hereby conveyed.

IN WITNESS WHEREOF, the GRANTOR has hereunto affixed her hand and seal the day and year first above written.

In the presence of

Marion Donohue
MARION DONOHUE

Susie Margiotta
WITNESS

STATE OF NEW YORK)
) ss
COUNTY OF ORANGE)

On this 29th day of August 1961, before me the subscriber personally appeared MARION DONOHUE, to me personally known and known to me to be the same person described in and who executed the above instrument, and she duly acknowledged to me that she executed the same.

Susie Margiotta
NOTARY PUBLIC

My Commission Expires

March 30, 1962

SUSIE MARGIOTTA
Notary Public in the State of New York
My Commission Expires March 30, 1962

EXTERIOR OF SUBJECT

Borrower/Client **Castro, Daniel and Maria**

File No. **R507058A**

Property Address **29 Kings Drive**

City **New Windsor**

County **Orange**

State **NY**

Zip Code **12553**

Lender **Middletown Savings Bank**



FRONT



REAR

→ PROPOSED
DECK ON
REAR



STREET SCENE

